

Introduced by Senator RothJanuary 21, 2016

An act to add Section 4850.1 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 897, as introduced, Roth. Workers' compensation.

Existing law provides that certain peace officers, firefighters, and other specified public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment, for the period of the disability, not to exceed one year. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would allow certain employees of local agencies, including police officers, firefighters, and sheriffs, an additional year of a leave of absence without loss of salary, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4850.1 is added to the Labor Code, to
- 2 read:
- 3 4850.1. (a) Whenever any person listed in subdivision (b),
- 4 who is employed on a regular, full-time basis, and is disabled,
- 5 whether temporarily or permanently, by a catastrophic injury
- 6 arising out of and in the course of his or her duties, he or she shall
- 7 become entitled, regardless of his or her period of service with the

1 city, county, or district, to a leave of absence while so disabled
2 without loss of salary in lieu of temporary disability payments or
3 maintenance allowance payments, if any, that would be payable
4 under this chapter, for the period of the disability, and an additional
5 year to the one-year period pursuant to Section 4850, but no more
6 than two years total, or until that earlier date as he or she is retired
7 on permanent disability pension, and is actually receiving disability
8 pension payments, or advanced disability pension payments
9 pursuant to Section 4850.3.

10 (b) The persons eligible under subdivision (a) include all of the
11 following:

12 (1) City police officers.

13 (2) City, county, or district firefighters.

14 (3) Sheriffs.

15 (c) This section shall apply only to persons listed in subdivision
16 (b) who meet the requirements of subdivision (a), and shall not
17 include any of the following:

18 (1) Employees of a police department whose principal duties
19 are those of a telephone operator, clerk, stenographer, machinist,
20 mechanic, or otherwise, and whose functions do not clearly fall
21 within the scope of active law enforcement service.

22 (2) Employees of a county sheriff's office whose principal duties
23 are those of a telephone operator, clerk, stenographer, machinist,
24 mechanic, or otherwise, and whose functions do not clearly come
25 within the scope of active law enforcement service.

26 (3) Employees of a city fire department, county fire department,
27 or fire district whose principal duties are those of a telephone
28 operator, clerk, stenographer, machinist, mechanic, or otherwise,
29 and whose functions do not clearly fall within the scope of active
30 firefighting and prevention service.

31 (d) If the employer is insured, the payments that, except for this
32 section, the insurer would be obligated to make as disability
33 indemnity to the injured, the insurer may pay to the insured.

34 (e) No leave of absence taken pursuant to this section by a city,
35 county, or district firefighter, shall be deemed to constitute family
36 care and medical leave, as defined in Section 12945.2 of the
37 Government Code, or to reduce the time authorized for family care
38 and medical leave by Section 12945.2 of the Government Code.